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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Arne Christian Munch

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SCHNECK & SCHNECK

P.O. BOX 2-E

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EXAMINER

YEN, ERIC L

ART UNIT

PAPER NUMBER

2626

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/524,813	Applicant(s) MUNCH ET AL.	
	Examiner ERIC YEN	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. In response to the Office Action mailed 3/6/08, applicant has submitted an amendment filed 7/3/08.

Claim 1 has been amended.

Response to Arguments

2. Applicant's arguments filed 7/3/08 have been fully considered but they are not persuasive.

Applicant argues that "McClure fails to teach or suggest that the data stored within the memory of the mobile station and prioritized, namely the SOC and the SID, is derived from a user-entered text phrase in the user's own natural language", because "when describing how data comes to be stored in the mobile station memory McClure merely states that the SOC data is stored in the memory, that the mobile station receives a SID, and that the mobile station receives a transmission containing the SID" (Amendment, page 7).

While McClure may fail to teach applicant's specific data being prioritized, however, McClure's concept of prioritizing information in databases still renders obvious the claim limitation. Both Portman and McClure are directed to communication systems including the user of a cell phone to retrieve information from databases. Portman teaches where the databases are applications, etc. retrieved based on user inputs, and

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McClure was applied, specifically, to teach “a priority logic means for sorting said found services, applications and content in a prioritized list according to predefined priority rules”, and so the fact that McClure doesn’t teach natural language features is not relevant because the rejection was not based on McClure alone. The “found services, applications and content” are found by “a content logic means receiving said commands and inquiries for searching and finding services, applications and content”, where the services are “services, applications and content in said one or more databases”, and where the “one or more databases is connected to said network”.

The claim language is not specific as to where or how the databases are connected to the network, and so a SID/SOC database on a cell phone is connected to a network if the cell phone itself is connected to a network, for example. The limitation "said commands and inquiries" referring to commands and inquiries related to natural language input is addressed by Portman.

The retrieval of an SOC is done by referencing the SOC with an SID. The SID is therefore, a form of a query to an SOC database which includes a prioritization. McClure therefore, teaches something that shows prioritization of database content that is accessed by an input. One of ordinary skill in the art can recognize that this can be extended to other kinds of databases.

The motivation is that prioritization provides a method of properly controlling a mobile station, which reads on the claim because applicant does not specify what kind of contents/applications/etc. are retrieved. Therefore, a prioritized set of SOC/SIDs could be one of the contents in the one or more databases. The purpose of the

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information and content of the information is not specified by applicant and so the SOC/SIDs are not excluded from the scope of "contents/applications/etc.".

Applicant argues that the rejection is based on hindsight because McClure teaches a specific form of prioritization (Amendment, page 7).

As discussed above, both Portman and McClure teach the use of mobile devices to access a database somehow. The fact that McClure teaches a specific kind of prioritization does not mean that it is limited to teaching/suggesting an extension of prioritization to other databases, nor does it mean that it does not render anything other than that specific prioritization obvious.

Applicant argues that McClure relates to operational aspects of the mobile station (Amendment, pages 7-8), but as discussed above, applicant has not limited the information in the databases in a manner that stored SIDs/SOCs are not outside the scope of the claim limitations.

Applicant's arguments related to Claim 10 are similar to those pertaining to Claim 1 and so are addressed under similar rationale to that presented above.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Portman et al. (US 6,944,447), hereafter Portman, in view of McClure (US 6,684,082).

As per Claim 1, Portman teaches, "a system for accessing services, applications and content in a communication network from a user terminal, the services, applications and content being stored in or linked to one or more databases connected to said network", comprising:

"an Interpreter module means connected to receive a user-entered text phrase in the user's own natural language by means of a text and grammar recognition process, said module for outputting commands for inquiries based on the result of said text and grammar recognition process (col. 2, lines 32-59; "text-based message" and col. 4, line 48 to col. 5, line 50);

"a content logic means receiving said commands and inquiries for searching and finding services, applications and content among said services, applications and content in said one or more databases satisfying specifications defined by the commands and inquiries from the Interpreter module means" (col. 9, lines 6-65), and

Portman does not explicitly teach, "a priority logic means for sorting said found services, applications and content in a prioritized list according to predefined priority rules". However, McClure teaches, "a priority logic means for sorting said found services, applications and content in a prioritized list according to predefined priority

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rules” (Abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use McClure teaching of a priority logic in the invention of Portman because McClure teaches his invention provides controlling the operation of the mobile station preferably controls at least one of scanning behavior or a computing behavior of the mobile station (Abstract).

As per Claim 2, Portman teaches, “further comprising a set of tables in the content logic means associating possible incoming commands and inquiries with search strings for search engines to operate in said one or more databases with links to services, applications and content in said one or more databases” (col. 9, lines 6-55).

As per Claims 3 and 4, Portman does not explicitly teach, “a priority logic means”. However, McClure teaches, “a priority logic means” (Abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use McClure teaching of a priority logic in the invention of Portman because McClure teaches his invention provides controlling the operation of the mobile station preferably controls at least one of scanning behavior or a computing behavior of the mobile station (Abstract).

As per Claim 5, Portman teaches, “providing user terminal means having a browser means for use access to the system by means of an option in the user terminals in which the text phrase is entered, for transmitting the user-entered text

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phrase to the Interpreter module, for receiving said prioritized list and for displaying at least a part of this as selectable service, application and content, and for carrying out operations of a user selected service, application and content" (col. 11, line 49 to col. 12, line 49).

As per Claim 6, Portman teaches, "wherein said browser is a SIM or WAP browser" (col. 11, lines 26-38).

As per Claim 7, Portman teaches, "wherein the Interpreter module means, the Content Logic means and the Priority Logic means reside in a server associated with the communication network, and wherein the server is connected to a billing mechanism charging users for each use of the system" (col. 11, lines 26-38).

As per Claim 8, Portman teaches, "wherein the communication network is a GSM, GSM/GPRS or a UMTS network and that the user terminals are cellular phones" (col. 4, lines 12-22).

As per Claim 9, Portman teaches, "wherein a Speech Recognition Module is integrated in the Interpreter Module providing voice based user access and control to/of the system" (col. 4, lines 48-56).

As per Claim 10, it is analyzed and thus rejected of the same reasons set forth in the rejection of Claim 1.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC YEN whose telephone number is (571)272-4249. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EY 9/15/08

/Patrick N. Edouard/
Supervisory Patent Examiner, Art Unit 2626